

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NOVO NORDISK A/S,

Plaintiff,

v.

SANOFI-AVENTIS, AVENTIS
PHARMACEUTICALS INC, AVENTIS
PHARMA DEUTSCHLAND GMBH, and
AVENTIS PHARMA AG

Defendants.

Case No.

COMPLAINT FOR PATENT INFRINGEMENT

THE PARTIES

1. Plaintiff Novo Nordisk A/S is a corporation organized and existing under the laws of Denmark, with offices located at Novo Allé, 2880 Bagsværd, Denmark.

2. Novo Nordisk A/S is at times referred to hereinafter as "NOVO NORDISK."

3. Upon information and belief, defendant Sanofi-Aventis is a corporation organized under the laws of France with a principal place of business at 174/180 Avenue de France, Paris, Cedex 75013 France.

4. Upon information and belief, defendant Aventis Pharmaceuticals, Inc. is a corporation organized and existing under the laws of the State of Delaware and a related company of Sanofi-Aventis with a principal place of business at 300 Somerset Corporate Blvd., Bridgewater, New Jersey, 08807.

5. Upon information and belief, defendant Aventis Pharma Deutschland GmbH is a related company of defendant Sanofi-Aventis and is located at Industriepark Hoechst, Frankfurt am Main, Germany.

6. Upon information and belief, defendant Aventis Pharma AG is a related company of defendant Sanofi-Aventis and is located at Herostrasse 7, 8048 Zurich, Switzerland.

7. Upon information and belief, the acts of Aventis Pharmaceuticals, Inc., Aventis Pharma Deutschland GmbH, and Aventis Pharma AG complained of herein are, in fact, acts of Sanofi-Aventis, or were done at the direction of, with the authorization of, and with the cooperation, participation, the assistance of and at least in part for the benefit of, Sanofi-Aventis.

8. Sanofi-Aventis, Aventis Pharmaceuticals, Inc., Aventis Pharma Deutschland GmbH, and Aventis Pharma AG are at times referred to hereinafter collectively as "AVENTIS."

JURISDICTION AND VENUE

9. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. §§ 271 and 281-285.

10. Subject-matter jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

11. Upon information and belief AVENTIS sells various products and does business throughout the United States, including in this District.

12. Upon information and belief AVENTIS distributes medical devices that are distributed and used throughout the United States, including in this District.

13. The Court has personal jurisdiction over the Delaware corporation Aventis Pharmaceuticals, Inc, pursuant to, inter alia, 8 Del.C. § 321 and also has personal jurisdiction

over AVENTIS pursuant to, inter alia, 10 Del.C. §§ 3104(c)(1), 3104(c)(3) and 3104(c)(4) because AVENTIS has committed acts of infringement in Delaware.

14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391 (d) and 1400(b).

FACTS

15. On June 24, 2004, U.S. Patent No. 6,582,408 (“the ’408 patent”), entitled “Medical Device,” was duly and legally issued by the United States Patent and Trademark Office (attached hereto as Exhibit A).

16. The entire right, title and interest in and to the ’408 patent is assigned to Novo Nordisk A/S, Novo Allé, 2880 Bagsværd, Denmark.

COUNT I

17. Upon information and belief, AVENTIS is directly infringing one or more claims of the ’408 patent, including by making, using, selling, offering to sell or importing into the United States its OptiClik product, and is contributing to and actively inducing infringement of one or more claims of the ’408 patent by others.

18. Upon information and belief, AVENTIS will continue infringing the ’408 patent unless enjoined by this Court.

19. AVENTIS’s infringement of the ’408 patent will cause NOVO NORDISK irreparable harm for which there is no adequate remedy at law.

20. Upon information and belief, AVENTIS’s infringement of the ’408 patent has been and will continue to be willful and deliberate.

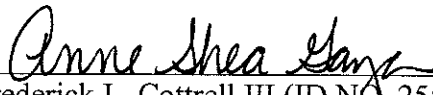
21. This case is an exceptional case, and NOVO NORDISK is entitled to an award of its reasonable attorney fees under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, plaintiff NOVO NORDISK prays that this Court enter judgment:

- a. That AVENTIS has infringed the '408 patent;
- b. That AVENTIS's infringement of the '408 patent has been willful and deliberate;
- c. Preliminarily and permanently enjoining AVENTIS and its respective directors, officers, employees agents and all persons in active concert or participation with them from further acts of infringement, contributory infringement and inducement of infringement of the '408 patent;
- d. Awarding to plaintiff NOVO NORDISK damages adequate to compensate plaintiff NOVO NORDISK for AVENTIS's infringement of the '408 patent with interest as fixed by the Court, such damages to be trebled in accordance with 35 U.S.C. § 284 as a consequence of AVENTIS's willful infringement;
- e. Declare this case exceptional under 35 U.S.C. § 285 and award plaintiff NOVO NORDISK its costs and attorney's fees;
- f. Awarding plaintiff NOVO NORDISK such other and further relief as this Court deems just and proper.

Dated: September 2, 2005


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